IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11253 of 2005

Between:

Kamadana Uma Maheswara Varaprasada Rao S/o. Sri Rama Venugopal Rao, R/o.1-48, Venagadapa Gampalagudem Mandal, Krishna District.

..... PETITIONER

AND

1 The Manager, Sri Jaganmohana Venugopala Swamy Temple
Vinagadapa Gampalagudem Mandal
Krishna District.
2 The Asst. Commissioner of Endowments
Vijayawada Krishna District.
3 The District collector
Krishna District Machilipatnam.
4 Schedule Caste Corporation Rep.by its Executive Director
Machilipatnam Krishna District.
5 The Commissioner of Police
Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the 4th respondent in trying to acquire the land of the temple at a cheaper price of Rs.1 lakh without participating in the public auction as void illegal and against to Sec. 80 of the Endowments Act, and consequently direct the respondent No.1,2 and 5 to conduct the public auction of the lands of Sri Jaganmohana Venugopala Swamy Temple, Vinagadapa as per rules without infulenced by the 3rd and 4th respondent and by ordering necessary police

protection to prevent the 4th respondent in intering the auction hall unless he is willing to pay the E.M.D and participate in the public auction and direct the 1st and 2nd respondent to sell away the land at a best price profitable to the temple without allotting the same in favour of the 4th respondent other by way of public auction.

Counsel for the Petitioner: MR.N.GURU GOPAL

Counsel for the Respondent Nos.1 to 5: GP FOR ENDOWMENTS

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed seeking to declare the action of the fourth respondent in trying to acquire the land of the temple-in-question at a cheaper price without participating in the public auction as arbitrary and illegal.

Admittedly, in the circumstances of the case, the respondents have to conduct an auction, in accordance with the rules and regulations, especially, following the provisions under Section 18 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987.

Accordingly, without entering into the merits of the case, the writ petition is disposed of directing the respondents to conduct the auction, which is scheduled to be held on 28-05-2005, in accordance with law. No costs.

_____

(K. C. BHANU, J)

Date:17-05-2005

ghn

To

1 The Manager, Sri Jaganmohana Venugopala Swamy Temple
Vinagadapa Gampalagudem Mandal
Krishna District.
2 The Asst. Commissioner of Endowments
Vijayawada Krishna District.
3 The District collector
Krishna District Machilipatnam.
4 Schedule Caste Corporation Rep.by its Executive Director
Machilipatnam Krishna District.
5 The Commissioner of Police
Vijayawada.

6 Two CCs to the Government Pleader for Endowments, High Court of A.P., Hyderabad. (O.U.T.)

7 Two CD copies.